

EXHIBIT 8



January 18, 2023

VIA Email, Certified & Regular Mail

Toni-Anne Andrisano
Vice President, Tax
Bed Bath & Beyond, Inc.
650 Liberty Avenue
Union, NJ 07083

RE: Business Employment Incentive Program ("BEIP")
Bed Bath & Beyond- P#17286
2021 Post-Payment Report

Dear Ms. Andrisano:

Our records indicate that your company's 2021 BEIP post-payment report is incomplete.

Pursuant to NJ Stat § 34:1B-131, failure to submit by March 1st the information required therein in full will result in an Event of Default for that reporting year.

Please be advised that the New Jersey Economic Development Authority ("EDA") reserves the right under NJ Stat § 34:1B-132, to terminate the BEIP Grant Agreement if the noncompliance of program reporting requirements continues for a second consecutive year.

Should you wish to avoid an Event of Default, please submit the missing information (listed below) required for the 2021 annual filing using the EDA's iDMS portal within 30 days of the date of this letter.

1. Exhibit C-1
 - Exhibit C-1 is missing amended date. Add "as amended dated June 6, 2016 (Opt-In Agreement Execution Date).
2. TOTAL Full Time NJ Jobs in iDMS.
 - If based on W3's provided, please note that this data includes terminated and part-time employees which should not be included in this data. WR30 reflects 1,020 of which approximately 113 employees worked under 12 weeks bringing the total to 907. iDMS portal reflects Total NJ full-time jobs reported is 7821. NJ W-3 provided reflects 1606 W2's issued in 2021 (which would include part time and terminated employees). Please note, Total NJ full-time employees is the number of people employed by the grantee as of 12/31/2021. Please add the total number of NJ full-time employees, excluding part time employees and terminated employees. Please review and revise.

Please contact the undersigned at wwisniewski@njeda.com if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "1s/Wendy B. Wisniewski".

Wendy B. Wisniewski
Senior Tax Credit Compliance Officer
Incentives Servicing & Compliance

Cc: Wim Anneke Shepherd, Accountant, Bed, Bath & Beyond
Joan Mason-Smith, Manager IT – Finance, Bed, Bath & Beyond

EXHIBIT C1

ANNUAL PROGRESS REPORT

(TO BE USED ANY GRANT YEAR AFTER THE GRANT HAS REACHED MATURITY)

Re: Business Employment Incentive Grant Agreement between New Jersey Economic Development Authority ("Grantor") and (**COMPANY MUST LIST ALL GRANTEES ON CURRENT GRANT AGREEMENT HERE**) ("Grantee") dated _____, 20__ , ^as may have been amended dated _____, 20__ ("Agreement").

Project Location: _____
(list one location only - if there are multiple project locations, a separate report (Exhibit C1) is required for each location)

In accordance with the requirements of Paragraph 3 (D) (2) of the Agreement, the undersigned officers of Grantee HEREBY CERTIFY on behalf of the Grantee as follows (all capitalized terms used herein and not defined herein shall have the meanings set forth in the Agreement, as same may from time to time be amended or modified):

1. No New Employee hired during the calendar year immediately preceding the year in which this Progress Report is due, or, if the Final Grant Period occurred in such preceding year, then that portion of such year commencing on January 1, and ending on the date that the Final Grant Period expired ("the Prior Year"), is a child, grandchild, parent or spouse of any individual who has a direct or indirect ownership of at least 15% of the profits, capital or value of Grantee;
2. All Eligible Employees are covered under a group health plan provided by the Grantee under Section 14 of P.L. 1997, c.146 (C.17B27-54), Section 1 of P.L. 1992, c.162 (C.17B:27A-17) or Article 2 of Title 17B of the New Jersey Statutes (This only applies to Grants approved after July 1, 2003.);
3. a. The number of employees carried over from the prior reporting calendar year from January 1st through December 31st _____;
b. Plus the number of eligible positions created in the reporting calendar year from January 1st through December 31st (+) _____;
c. Minus the number of employees that were terminated in the reporting calendar year from January 1st through December 31st (-) _____; and
d. Equals the net amount of employees as of 12/31 of the reporting calendar year
(=) _____.

4. All Eligible employees are a Full-time employee, works at least 35 hours per week and whose primary office is at the approved project site spending:

- a. at least 80 percent of his or her work time at the project site (up until 7/2/2021)
- b. at least 60 percent of his or her work time at the project site (on or after 7/2/2021-12/31/2021); or
- c. requesting a waiver from work time spent at the project site (up to and including 12/31/2021)

5. The information contained in each and every statement, report, or other document submitted to Grantor by Grantee during the Prior Year, or any other information Grantor deems appropriate and necessary for verification purposes, shall be in accordance with the requirements of the Agreement, Act, or Regulations is true, complete, and correct in all material respects as of the date hereof.

IN WITNESS WHEREOF, the undersigned have executed this Certificate as authorized officers or signatories of Grantee and on behalf of Grantee this ____ day of _____, 20__.

GRANTEE:

WITNESS:

Company Name _____

By: _____

Name:

Title:

FULLY EXECUTED AMENDMENTS MUST INCLUDE SIGNATURE PAGES FOR ALL ENTITIES ON BEIP AGREEMENT